

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

CARL ALLEN a/k/a ARTIE PERKINS,)	
)	
Plaintiff,)	
)	
VS.)	No. 17-2125-JDT-cgc
)	
ARICA HUTCHISON, ET AL.,)	
)	
Defendants.)	

ORDER TO ISSUE THIRD PARTY SUBPOENA

The *pro se* prisoner Plaintiff, Carl Allen a/k/a Artie Perkins, filed a complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1.) He sued the City of Memphis and several officers with the Memphis Police Department (MPD). On June 4, 2019, the Court dismissed portions of the complaint and directed that process be issued for the remaining Defendants, MPD Officers T. Gates and Anthony Alexzander. (ECF No. 12.) However, the U.S. Marshal returned the summonses unexecuted, noting on the returns that both Gates and Alexzander had resigned from the MPD. (ECF No. 14 at PageID 80, 83.)

Because Allen is incarcerated, he cannot reasonably be expected to take further steps to locate the current addresses of the Defendants. Therefore, it is the Court's responsibility to ensure that process is served, if possible. *See Byrd v. Stone*, 94 F.3d 217, 219 (6th Cir. 1996). Accordingly, the Clerk is DIRECTED to issue a third-party subpoena for the MPD and deliver it to the U.S. Marshal for service, along with a copy of this order. The subpoena

shall direct the Memphis Police Department, 170 N. Main Street, Memphis, Tennessee 38103, to provide to the Court the last known home addresses and telephone numbers of T. Gates and Anthony Alexzander, both formerly employed as MPD police officers. The information shall be provided to the Court within thirty (30) days after service of the subpoena.

Any information regarding the Defendants' home addresses and telephone numbers provided in compliance with this subpoena shall not be made available to Plaintiff Allen, but shall be filed by the Clerk *ex parte* and under seal. If sufficient information is provided regarding the Defendants' whereabouts, the Clerk shall re-issue process and deliver it to the Marshal for service.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE